

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. Bar-00-06

BOARD OF OVERSEERS OF THE BAR)

Plaintiff)

v.)

FINDINGS, CONCLUSIONS
AND ORDER

RONALD L. BISHOP)

of Waterville, Maine)

Me. Bar #886)

Defendant)

This matter is before the Court on the Board of Overseers of the Bar's Amended Motion for Contempt/Appointment of Counsel seeking further discipline of former Attorney Ronald L. Bishop. The Board's motion was filed with the Court and duly served upon Mr. Bishop. Mr. Bishop never filed any response to the motion and, after notice, failed to appear at the Court's hearing of May 6, 2002.

At that hearing, Bar Counsel, J. Scott Davis, appeared for the Board and presented several witnesses and exhibits. Based on review of the file and the evidence presented at the hearing, the court finds that the relevant facts are as follows:

1. Mr. Bishop was the subject of the Court's Disciplinary Decision and Order of February 7, 2001, suspending him from practice in Maine for 90 days, June 1 through August 31, 2001.

2. Near the conclusion of that suspension, Mr. Bishop told Bar Counsel that he would not be returning to practice, and confirmed that statement by letter of September 25, 2001.

3. Despite his suspension and later affirmations to Bar Counsel, Mr. Bishop practiced law by accepting money from and commencing representation of at least three new clients in August of 2001, while that suspension was still in effect.

4. Olive Jean Dalton met with and paid Mr. Bishop an initial retainer of \$500.00 on August 24, 2001, to handle her divorce matter. After that meeting she was unable to find Mr. Bishop or receive any communication from him as to the status of her case. After a hearing before the Fee Arbitration Commission, Mr. Bishop was ordered to refund that total retainer to Ms. Dalton, which he has failed to do.

5. In mid to late August 2001, Patricia Gilley hired Mr. Bishop to handle a divorce matter for her. Her father retained Mr. Bishop for legal work on probate related matters. Mr. Bishop received fees from both Ms. Gilley and her father, but they have received no performance or status information concerning either case.

6. Prior to his suspension, Mr. Bishop had served as attorney for the personal representative, Sharon Butler, concerning the Estate of Marcella Kenniston. Mr. Bishop failed to respond to inquiries by Ms. Butler or Paula Bickford (the daughter-in-law of the late Ms. Kenniston) as to the status of the estate or for an accounting of the assets of the estate. After the Kenniston home had been sold, Mr. Bishop was to pay certain debts of the estate from the proceeds of the sale that were in his possession. He has failed to make the required payments including approximately \$4,500.00 owed to the funeral home involved in that matter.

7. Mr. Bishop received proceeds from the settlement of client Debra Burby's personal injury matter in order to pay Burby's medical bills. Mr. Bishop has failed to pay

at least \$2,500.00 that is owed by Burby to Bouchard Physical Therapy Services. Mr. Bishop was obligated to make this payment with money he received for that purpose.

8. Mr. Bishop settled a personal injury matter for his client, Grace Burwood and received some of the settlement proceeds. From these proceeds, Mr. Bishop was required to pay Ms. Burwood's outstanding debt of approximately \$8,000.00 to Dr. Eric Omsberg. Although, he told Ms. Burwood that he had paid this debt, he has failed to do so.

9. After many requests by his former divorce client, Lewis Stillman, Mr. Bishop has failed to return Mr. Stillman's client file to him. Mr. Stillman needs his file in order to pursue certain post divorce court matters with his new attorney.

10. Bill Buker and Shawn Mullen are additional clients on unrelated matters. Each has had difficulty obtaining any information from Mr. Bishop as to the status of his matter, and because of Mr. Bishop's non-response, each was forced to seek replacement counsel. Although Mr. Bishop indicated to Bar Counsel that Mr. Buker's file was returned to him, it was not. Mr. Buker has yet to receive the requested materials.

11. In the case of another divorce client, Susan LaChance, Mr. Bishop failed to follow through on Court ordered requirements to finalize the order in her divorce. As a result, for several years Ms. LaChance believed she had been properly divorced. Only in 2001, did she find that Mr. Bishop had failed to prepare the divorce order as directed by the court. New counsel has now corrected the matter and finalized Ms. LaChance's divorce.

12. In the case of at least four clients, Debra Burby, Grace Burwood, Shawn Mullen and Travis Nichols, Mr. Bishop failed to include the names of those clients within

the required affidavit he filed under M. Bar R. 7.3(i)(C) concerning his 2001 suspension. He failed to inform any of them that he had been suspended from practice, effective June 1, 2001.

13. Except for the Buker and LaChance complaints, after due notice, Mr. Bishop failed to respond to Bar Counsel's inquiries about the respective allegations of his misconduct in each of the many grievance complaints filed with the Board.

CONCLUSIONS

Based upon Mr. Bishop's action in: (i) agreeing to undertake representation of new clients while under disciplinary suspension ordered by this Court; (ii) accepting fees from those clients for that supposed representation; (iii) failing to perform any of the requested legal work for those clients as well as for several former clients, whom he never told that he had been suspended or left practice; (iv) either neglecting or misleading clients concerning the status of the work and their respective cases; (v) misappropriating and converting monies that actually or constructively belonged to at least three clients; (vi) abandoning several of his clients, including clients retained while he was under suspension; and (vii) failing to repay several clients their fees after he had abandoned them without doing any legal work, the Court concludes:

1. Mr. Bishop is in contempt of the Court's 2001 suspension order, and
2. Mr. Bishop is in violation of Maine Bar Rules 2(c), 3.1(a), 3.2(f)(2)(3)(4), 3.3(a); 3.6(a)(2)(3); 3.6(e)(1), (2)(IV), and

3. The Dalton, Gilley, Butler, Burby and Burwood matters may involve violations of the criminal laws relating to theft, 17-A M.R.S.A. §§ 354 or 358.

Mr. Bishop's conduct in undertaking and taking money from three new clients while under suspension and with no intent to return to practice is serious misconduct and a flagrant contempt of the suspension order and rules governing attorney conduct in Maine. His conduct in (i) misleading clients as to the status of their case, (ii) failing to repay funds taken from clients for which he did no work, and (iii) receiving client funds with an obligation to pay client bills and then not paying those bills, is dishonest and the type of misconduct that brings the profession into disrepute.

As a result of his serious misconduct and contempt, disbarment of Mr. Bishop is the only appropriate remedy.

ORDER

Therefore, based on the findings and conclusions stated above:

1. Ronald L. Bishop is disbarred from the practice of law in the State of Maine, effective this date.
2. Michael D. Seitzinger, Esq. is appointed pursuant to M. Bar R. 7.3(f) to serve as a receiver of all current or former clients' files that are either in the actual or constructive possession of Mr. Bishop. Mr. Bishop shall cooperate with Mr. Seitzinger to locate all former and current client files, and arrange for them to be provided to him. Mr. Seitzinger is to be compensated for these services by Mr. Bishop's payment to him at the rate

of \$75.00 per hour, and is to be reimbursed by Bishop for all expenses incurred by his service as the receiver.

3. Mr. Bishop shall, within 30 days of this order, account to Mr. Seitzinger as to his handling of all client fees and funds relating to clients addressed in this order and for any and all clients that had matters with him either pending or that were settled on or after January 1, 2000.
4. Within that same 30 days, Mr. Bishop shall comply with the affidavit notification requirements of M. Bar R. 7.3(i).
5. A copy of this order shall be forwarded to the District Attorney for Kennebec and Somerset Counties for such consideration as may be appropriate.

Dated: June 6, 2002

Donald G. Alexander, Justice
Maine Supreme Judicial Court